

NOTICE OF EXEMPTION

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, California 95812-3044

From: Department of Toxic Substances Control
Site Mitigation and Restoration Branch
700 Heinz Avenue,
Berkeley, CA 94710

Project Title: Response Plan for Nellie Hannon Gateway

Project Location: 3600, 3610, and 3620 San Pablo Avenue in Emeryville, CA 94608

County: Alameda

Project Applicant: Resources for Community Development

Approval Action Under Consideration by DTSC: Response Plan

Statutory Authority: California Health and Safety Code, Chapter 6.82

Project Description: The Department of Toxic Substances Control (DTSC) approved a Response Plan for the Nellie Hannon Gateway project located at 3600, 3610, and 3620 San Pablo Avenue (project site) in Emeryville, California. The Response Plan describes the excavation and off-site disposal of an estimated 320 cubic yards of soil impacted by lead.

Background: The project site has an area of 0.375 acres and is currently occupied by a warehouse, a lock shop, the Emeryville Citizens Assistance Program (ECAP) food distribution program, and a vacant restaurant. The site has been developed since at least 1902 and various businesses have operated on the site including office, retail, residential, and commercial. Soil vapor sampling found volatile organic compounds (VOCs) which include chloroform, tetrachloroethene, and trichloroethene at levels that would not pose a threat to human health. A risk assessment concluded that the VOCs would not pose a risk to future commercial tenants or residential tenants. However, the developer chose to voluntarily install a vapor barrier that is resistant to VOCs under the building foundation as an added precaution and DTSC concurred with this approach. The source of the contamination is likely due to past use by printing shops, machine shops, and dry cleaners that operated from 1933 through 1980.

Environmental investigations conducted in 2017 through 2021 found lead in soil above screening levels that would pose a risk to human health.

Project Activities: The proposed remedy for soil contamination involves excavation and disposal of approximately 320 cubic yards of lead contaminated soil. Most of the site would be excavated to 2 feet below ground surface (bgs) with the exception of the southwest corner where excavation would extend to 3 feet bgs and the southeast corner where excavation would extend to 7.5 feet bgs.

Air monitoring and dust control measures will be implemented during all excavation and disposal activities at the site in accordance with Bay Area Air Quality Management District (BAAQMD) guidelines. Specifically, the project activities will implement recommended mitigation measures identified in the *BAAQMD CEQA Guidelines (May 2017, Section 8.1.2)* to reduce construction dust emissions (e.g., watering exposed surfaces, covering haul trucks, limit vehicle speeds to 15 mph, suspend excavation activities when average wind speeds exceed 20 mph).

The lead contaminated soil would be disposed at a permitted landfill facility and will require approximately 20 truck trips. Trucks will travel through streets approved by City of Emeryville and Oakland for heavy trucks. Specifically, the trucks will leave the project site by turning right on 37th Street, then right on Market Street, then right on 34th Street, then left on Adeline Street, then right on 7th Street, and then lastly onto Interstate 880.

The removal action is planned to commence during January 2023 and is expected to be completed before the beginning of summer of 2023. As required by the City of Emeryville Municipal Code (Section 5-13.05, Construction Noise), noise generating construction activities will be limited to between the hours of 7 a.m. to 6 p.m., Monday through Friday.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Resources for Community Development

Exempt Status: (check one)

- Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
 Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec. 15269(a)]
 Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec. 15269(b)(c)]

- Categorical Exemption: [CCR Title 14, Sec. 15330]
- Statutory Exemptions: [State Code Section Number]
- Common Sense Exemption [CCR, Sec. 15061(b)(3)]

Exemption Title: Minor Actions Taken to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substance.

Reasons Why Project is Exempt:

1. The project is a minor action designed to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of hazardous waste or hazardous substances.
2. The project will not exceed \$1 million in cost.
3. The project will be consistent with applicable State and local environmental permitting requirements.
4. The project does not involve the onsite use of a hazardous waste incinerator or thermal treatment unit.
5. The project does not involve the relocation of residences or businesses.
6. The project does not involve the potential release into the air of volatile organic compounds as defined in Health and Safety Code Section 25123 (Notifications for fugitive dust emissions will be submitted to the Bay Area Air Quality Management District in accordance with Regulation 8, Rule 40).
7. The exceptions pursuant to California Code Regulations, Title 14 § 15300.2 have been addressed as follows:
 - a. Cumulative Impact. The project will not result in cumulative impacts because it is designed to be a short-term final remedy that would not lead to a succession of projects of the same type in the same place over time.
 - b. Significant Effect. The project does not involve any unusual circumstances so that there is no possibility that the project will have a significant effect on the environment.
 - c. Scenic Highways. The project will not damage scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, because it is not located within a highway officially designated as a state scenic highway.
 - d. Hazardous Waste Sites. The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. (<http://calepa.ca.gov/sitecleanup/corteselist/default.htm>)
 - e. Historical Resources. The project will not cause the substantial adverse change in the significance of an historical resource at the Site because there are none at the Site.

Evidence to support the above reasons is documented in the project file record, available for inspection at:

Department of Toxic Substances Control
 Site Mitigation and Restoration Branch
 700 Heinz Avenue,
 Berkeley, CA 94710

DTSC EnviroStor website: https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60003078

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 Branch Chief's Signature		3/15/2023 Date
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TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR: